

Stokes v. Coweta County Board of Education

An employee whose car ran over her foot was found to be entitled to benefits because her conduct was held not to be a deviation from employment. In reaching its decision, the Court of Appeals appears to be utilizing the “positional risk” doctrine as a basis to find the injuries compensable. In short, if she had not been put in the position of having her car on an incline as part of her job, she would not have been injured. Consequently, her injuries were compensable.

In this workers' compensation action, an administrative law judge (“ALJ”) granted Vanessa Stokes' claim for benefits after finding that she sustained an injury arising out of and in the course of her employment. The Board's Appellate Division reversed the ALJ's decision and denied benefits.

Stokes was employed as head custodian at an elementary school, and one of her duties was to unlock and open the gates leading to the school parking lot before other employees arrived each morning. On May 3, 2010, Stokes drove up to the front gate at 5:45 a.m.; it was very dark and raining heavily. According to Stokes, she pulled her car as close to the gate as she could so that her headlights would shine on the lock. While she was unlocking the gate, her car began to roll downhill, away from the gate. Stokes ran toward the car in an attempt to stop it. After taking just a few steps, Stokes tripped and fell. The car rolled over her left foot. A few days after the accident, her foot had to be amputated.

In reversing the ALJ's award of benefits in this case, the Board concluded the accident did not arise out of Stokes' employment. The Board found that her job duties included opening the gate, unlocking the building, emptying trash cans, sweeping, and so on, but did not include “going after a moving vehicle.” When Stokes turned away from the gate, after putting her key in the gate's lock, and pursued her car, the Board found, she “undertook a personal mission, in pursuit of [her] personal property, not connected to her duties with the [e]mployer.” In addition, the Board found that Stokes did not pursue the car in an attempt to prevent injury to herself or another employee or damage to the employer's property.

The Appellate Court recognized that to be compensable under the Workers' Compensation Act, an employee's accidental injury must arise both “out of” and “in the course of” his or her employment. Nevertheless, the Court concluded the Board's decision was based upon an erroneous theory regarding what conduct constitutes a deviation from employment that will bar compensation under the Act. The Court relied upon the fact that at the instant Stokes' car began to roll, she was on duty; she was physically located precisely where her job duties required her to be at that time, that is, at the driveway gate; and, she was unlocking the gate, a task required by her job duties and of benefit to the employer. But for the necessity that she stop her car on the sloped driveway and exit the car to open the gate, the accident would not have occurred.



In reversing the denial of benefits, the Court stated its decision was consistent with the humanitarian purpose of the Workers' Compensation Act. It concluded that to deny benefits distorted the definition of a deviation from employment to characterize her attempt to stop the rolling car as a purely personal mission.

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